

## **REMARKS**

### **Status Of Application**

Claims 1-31 are pending in the application; the status of the claims is as follows:

Claims 1-31 are rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement.

Claims 1-31 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 1-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/460,980.

### **Claim Amendments**

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. These changes do not introduce any new matter.

### **35 U.S.C. § 112 Rejection**

The rejection of claims 1-31 under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement, is respectfully traversed based on the following.

Claim 1 has been amended to require that the glass composition include at least 0.1% by weight of each of the  $R_2O$  compounds. This amendment is supported by paragraph [0019] of the specification.

Accordingly, it is respectfully requested that the rejection of claims 1-31 under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement, be reconsidered and withdrawn.

The rejection of claims 1-31 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant(s) regard as the invention, is respectfully traversed based on the following.

Claim 1 has been amended to require a total of 0.3 to 15% by weight of  $R_2O$  compounds, including at least 0.1% by weight of each of  $Li_2O$ ,  $Na_2O$ , and  $K_2O$ . This amendment is supported by paragraph [0019] of the specification.

Accordingly, it is respectfully requested that the rejection of claims 1-31 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant(s) regard as the invention, be reconsidered and withdrawn.

### **Double Patenting Rejection**

The provisional rejection of claims 1-31 under the judicially created doctrine of double patenting over claims 1-20 of copending Application Serial No. 10/460,908, is respectfully traversed based on the following.

Information available on PAIR indicates that Application Serial No. 10/460,908 was abandoned on or about 2 June 2005. It is respectfully, therefore, the judicially created doctrine of double patenting is inapplicable.

According, the provisional rejection of claims 1-31 under the judicially created doctrine of double patenting over claims 1-20 of copending Application Serial No. 10/460,908, be reconsidered and withdrawn.

**CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin LLP Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.


If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin LLP Deposit Account  
No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By:   
Michael J. DeHaemer, Jr.  
Registration No. 39,164  
Attorney for Applicants

MJD/fis:bar  
SIDLEY AUSTIN LLP  
717 N. Harwood, Suite 3400  
Dallas, Texas 75201  
Direct: (214) 981-3335  
Main: (214) 981-3300  
Facsimile: (214) 981-3400  
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